



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for a monetary order for \$795.00, a request for recovery of the \$50.00 filing fee, a request to retain the full security deposit of \$550.00 towards the claim.

Background and Evidence

The applicant testified that:

- The tenant had not paid her outstanding city utility bill in the amount of \$795.00, and unpaid utilities are added to the property owners taxes at the end of the year.
- The tenant has subsequently paid \$100.00 of the outstanding amount and therefore this time there is \$695.00 outstanding.

The applicant is therefore requesting an order to keep the full security deposit of \$550.00 towards this outstanding amount and requests a monetary order be issued for the difference plus the filing fee.

The respondent testified that:

- There is \$695.00 outstanding on her utility bill, however she fully intends on paying this bill.
- Had the landlord returned the security deposit of \$550.00, she would have already paid that towards the outstanding utility bill.
- She wants to pay this utility bill herself so that her credit rating with their city is not affected.
- This outstanding amount has not yet been billed to the landlord, and if the landlord returns her security deposit she will ensure that the full amount is paid before the end of the year and therefore it will not go on the landlords taxes.

The respondent therefore request to this application be dismissed.

Analysis

It is the tenant's responsibility to ensure that all utility accounts are up to date at the end of the tenancy.

In this case the tenant admits that, at this time, there is still \$695.00 outstanding on her utility account.

Any utilities that are outstanding at the end of the year are added to the landlord's taxes, and therefore the landlord will be liable for the full \$695.00 should the tenant failed to pay the outstanding utilities.

The tenant claims that she will pay the outstanding utilities; however it is my decision that since they are still outstanding well after the end of the tenancy, I will allow the landlords full reduced claim of \$695.00, so that the landlord can ensure that these utilities will be paid in full and not added to her tax account.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full reduced claim of \$745.00, and I therefore order that the landlord may retain the full security deposit of \$550.00, and have issued a monetary order in the amount of \$195.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 28, 2011.

Residential Tenancy Branch